

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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AUG 27 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)

)
Amendment of Section 73.202)
Table of Allotments,)
FM Broadcast Stations)
(Bradenton, Florida))

MM Docket No. 92-59
RM-7923

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

MOTION TO STRIKE

Sunshine State Broadcasting Company, Inc. ("Sunshine"), the petitioner in the above-referenced proceeding, by its attorney, hereby moves to strike the supplement to comments of Entertainment Communications, Inc. ("Entertainment"), filed August 17, 1992. By submission of that document, which Entertainment entitled "Opposition to Joint Request for Approval of Settlement Agreement, or, Alternatively, Supplement to Comments of Entertainment Communications, Inc.," Entertainment has combined permissible and non-permissible pleadings in a single filing.

While styled as an opposition to a joint request for approval of settlement agreement, it is clear from the content of the pleading, as well as its alternative title, that the document was filed by Entertainment as a supplement to its comments in this proceeding. As such, the pleading violates the requirements of Section 1.415(d) of the Commission's Rules.

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The Commission established a comment period in this proceeding, and Entertainment duly filed comments by the specified date, May 21, 1992. Sunshine timely filed a reply.

The Rules are clear and specific that, in order to file unsolicited additional comments in a rule-making proceeding, the proponent of additional comments must first request authorization from the Commission to do so, and that any additional comments filed without such authorization will not be considered by the Commission. Flora and Kings, Mississippi and Newellton, Louisiana, Report and Order, MM Docket No. 91-131, DA92-1029, released August 25, 1992.. The substance of Entertainment's August 17 submission deals with its objections to the Sunshine proposal, previously raised in the comment period, based on aeronautical considerations; Entertainment now impermissibly attempts to submit additional exhibits, declarations, and reports. Entertainment neither requested nor received permission to do so. This shameless and deliberate violation of the Commission's Rules by a Commission licensee should not be tolerated. At a minimum, Entertainment's pleading should be stricken from the record and disregarded.

Respectfully submitted,

SUNSHINE STATE BROADCASTING
COMPANY, INC.

By: 

George R. Borsari, Jr.

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August 27, 1992

CERTIFICATE OF SERVICE

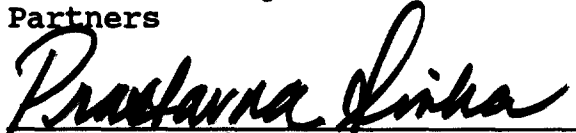
I, Prastavna Sinha, an employee of the law firm Borsari & Paxson, hereby certify that a true copy of the foregoing MOTION TO STRIKE was sent this 27th day of August, 1992, via first class United States mail, postage prepaid, to each of the following:

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